

Docket No. 55107 (71526)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: S. Mori et al.
SERIAL NO: 09/674,337 EXAMINER: R. Kallis
FILED: July 26, 2001 GROUP: 1638
FOR: NICOTIANAMINE SYNTHASE AND GENE ENCODING THE SAME
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to Group 1600 of the U.S. Patent & Trademark Office by facsimile number 703-872-9306 on October 23, 2002.

By: Maggie C. Hamelin
Maggie C. Hamelin

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT AND SPECIES ELECTION

Applicants are in receipt of the Office Action dated October 3, 2002 in connection with the above-identified application.

In response to the Restriction Requirement, Applicants elect Group I, directed to claims 1-7, as that Group is defined in the Office letter. Applicants expressly reserve the right to pursue the non-elected claims in one or more divisional applications.

In response to the Species Election requirement, it appears that the single SEQ ID numbers from which Applicant should select a single species for initial examination were mismatched with election of Group I or Group II. More particularly, the Office Action requests

the selection of one of SEQ ID NOs: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, or 23 if Group II is elected and SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, or 24 if Group I is elected.

The claims of Group I, as the group is defined in the Office Action provide nicotianamine synthase **proteins** having an amino acid sequence of SEQ ID No 1 or a sequence of SEQ ID No 1 having a deletion therein. Thus, it appears that Applicants, having elected Group I, should further elect a species selected from SEQ ID NOs: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, or 23, which provide amino acid sequences of nicotianamine synthase not a species selected from SEQ ID NOs: 2, 4, ... or 24.

Thus, Applicants elect SEQ ID No. 1. This election is made with the understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Early consideration and allowance of the application are earnestly solicited.


Respectfully submitted,

October 23, 2002



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